

### REMARKS

Claim 6 has been canceled. Claims 1-5 and 7-10 remain pending in the present application. Applicants amend claims 1 and 10 for clarification, and refer to Figs. 31 and 32, and their corresponding description in the specification for exemplary embodiments of and support for the claim amendments. No new matter has been added.

The Examiner objected to claim 10 for an apparent informality. Applicants amend claim 10 to remove the informality, and request that the Examiner withdraw his objection.

Claims 1-5 and 7-10 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,249,531 to Jacobi et al. Applicants amend claims 1 and 10 in a good faith effort to clarify the invention as distinguished from the cited reference. The Examiner's rejection is respectfully traversed.

Jacobi et al. describe "an analog line monitor 30 which monitors the telephone line for carrier tone signals associated with analog data transmissions" in col. 3, line 67 to col. 4, line 2. And "[i]f the analog line monitor 30 detects no carrier tone signal in a call, it is established that the call is a telephone call containing voice information which will be compressed prior to transmission to the remote communication device." Col. 5, lines 23 to 26 of Jacobi et al. As shown in Fig. 5 of Jacobi et al., the carrier tone signals are only utilized for indicating analog data communication to the analog line monitor 30, and it is not transmitted to a receiver. Furthermore, the carrier tone signals are not blocked by the analog line monitor 30 for being unrecognizable to the receiver. Jacobi et al. do not disclose fax communications using more than one protocol, let alone such communications based on a second protocol when a negotiation signal is not recognized by a receiver.

Therefore, Jacobi et al. do not disclose,

"A communication apparatus comprising:

an audio compression unit for compressing an audio signal and outputting said compressed audio signal:

a fax-termination/switching control unit which carries out termination processing on a fax signal and controls a switch to output not an output of said audio compression but said fax signal completing said termination processing when said fax signal is detected; and

an exclusion processing unit which is provided in front of said audio compression unit and blocks transmission of a raw negotiation signal to said audio compression unit in an exclusion process when detecting said negotiation signal, thereby the blocked negotiation signal being unrecognizable as said negotiation signal to a receiver fax terminal, wherein

said negotiation signal is transmitted by an accommodating fax terminal prior to a fax data communication,

a fax communication is performed based on a first fax communication protocol when said negotiation signal is recognized by a receiver fax terminal, and

a fax communication is performed based on a second fax communication protocol when said negotiation signal is not recognized by a receiver fax terminal," as recited in claim 1. (Emphasis added)

Advantageously, the claimed invention provides for easily controlling the protocol of fax communications between fax terminals by blocking the negotiation signal when one of the fax terminals can perform a fax communication based on both a first and a second fax communication protocol but the other one of the fax terminals can only perform the fax communication based on the second fax communication protocol.

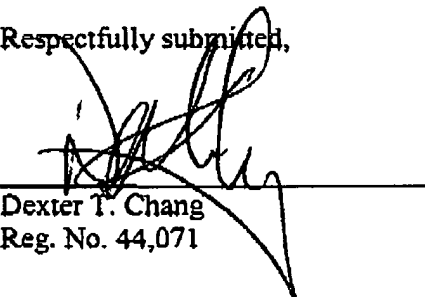
Accordingly, Applicants respectfully submit that claim 1, together with claims 2-5 and 7-9 dependent therefrom, is patentable over Jacobi et al. for at least the above-stated reasons. Claim 10 includes features similar to those of claim 1 cited above, and is, therefore, patentable over Jacobi et al. for at least the same reasons.

The above statements on the disclosure in the cited reference represent the present opinions of the undersigned attorney. The Examiner is respectfully requested to specifically indicate those portions of the reference that provide the basis for a view contrary to any of the above-stated opinions.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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